IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 20621 of 1998

Between:

1 K.Narayana, S/o. Mogulappa.
R/o. H.No. 8-10-103, Old Tandur,
Ranga Reddy District.
2 K.Krishna, S/o. Mogulappa.
R/o. H.No. 8-10-103, Old Tandur,
Ranga Reddy District.

... PETITIONERS

AND

Revenue Divisional Officer cum LAO Vikarabad Division,
Vikarabad, Ranga Reddy District.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ, Order or direction more particularly in the nature of WRIT OF MANDAMUS declaring the action of the Respondent in declining to refer the matter to civil court U/Sec. 18 of L.A.Act in his memo B/302/95 dated 02/07/1998 in respect of petitioners land in Sy.No.1 situated at Old Tandur, Ranga Reddy District as illegal, arbitrary and consequently pleased to direct the Respondent to refer the petition dated 23/08/1997 to civil court Under Sec.18 of L.A.Act and pleased.

Counsel for the Petitioners MR.VIJAY KUMAR HEROOR

Counsel for the Respondent: GP FOR LAND ACQUISITION

The Court made the following:

ORDER:

This writ petition is filed seeking Mandamus declaring the action of the respondent in declining to refer the matter to the Civil Court under Section 18 of the Land Acquisition Act in his
Memo No. B/302/95 dated 02-07-1998 in respect of petitioners land in S.No.1 situated at Old Tandur, R.R. District, as illegal and arbitrary.

2. Petitioners claim that they are the owners and pattedars of land admeasuring Ac.3.20 guntas in S.No.1 situated at Old Tandur, Ranga Reddy District along with well, trees etc. The main grievance of the petitioners is that the respondent, for the purpose of doubling railway track on the requisition of South Central Railway Authority, initiated land acquisition proceedings. It is stated that due to acquisition of Ac.1.18 guntas of the said land, the remaining land had been badly affected and became useless. It is further stated that after Section 4 (1) notification had been issued, petitioners filed claim petition claiming compensation for the entire land and for trees. It is alleged that respondent, without properly appreciating the petitioners' contention, passed an award dated 18-06-1997 fixing compensation, which according to the petitioners, is very meager taking into consideration the fact that due to the acquisition of the land notified, the remaining land had become useless. It is further stated that petitioners received the award amount on 11-09-1997 under protest and filed petition under Section 18 of the Act to refer the matter to the competent Civil Court for adjudication of the real market value prevailing on the date of notification. While things stood thus, petitioners received the impugned Memo No.B/302/95 dated 02-07-1998 from the respondent declining to refer their petition to the Civil Court alleging that they did not receive the award under protest and are not entitled to get their petition referred to the Civil Court under Section 18 of the Act.

3. Learned counsel for the petitioners, while placing reliance on a judgment of this Court reported in **Special Deputy Collector, Land Acquisition Vs. N. Sangaiah and others** , contended that the respondent is bound to refer the matter to the Civil Court under Section 18 of the Act.

4. Even though several years had elapsed, no counter is filed by the respondent, however, the learned Government Pleader for Land Acquisition has fairly conceded that the ground on which the case of the petitioners for reference to the Civil Court under Section 18 of the Act is rejected, is no more a good law.

Under those circumstances, the writ petition is allowed and the respondent, Revenue Divisional Officer is directed to refer the matter to the Civil Court concerned under Section 18 of the Act.

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N.V. RAMANA, J

February 23, 2005

MRR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Wednesday the Twenty third day of February two thousand and five

Copy to:

1. Revenue Divisional Officer cum LAO Vikarabad Division,

Vikarabad, Ranga Reddy District.

2. Two C.C. s to the G.P. for Land Acquisition, High Court Buildings,

Hyderabad (OUT)

3. Two C.D. Copies.